

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

IN RE:	)	
	)	Case No. 316-00182
PAUL W. SHERRICK,	)	Chapter 11
	)	Judge Marian F. Harrison
Debtor.	)	

**MOTION TO CONVERT CASE TO CHAPTER 7**

Pursuant to 11 U.S.C. § 1112(a), Paul W. Sherrick (the “Debtor”) respectfully requests the Court to convert this case to a case under Chapter 7 of the Bankruptcy Code. It appearing that the Debtor will be unable to file a confirmable plan of reorganization absent a resolution with its largest unsecured creditor, the Debtor does not currently have a realistic prospect for reorganization.

The Debtor filed this case under Chapter 11 on the eve of a state court trial after he learned that he may need to proceed *pro se* in the state court action. The state court action contained allegations that, if not properly defended, would have resulted in findings of which the Debtor would be collaterally estopped from challenging in a Bankruptcy Court nondischargeability action. The Debtor disputes that any of his actions are subject to 11 U.S.C. § 523; however, the Debtor could not risk defending himself when the opposing party had representation.

The Debtor is unable to fund both a reorganization effort and an adversary proceeding that is expected to be filed in the near future. The Debtor could no longer afford counsel in the state court action, and could not fund a retainer in the Chapter 11. His income is not currently sufficient to satisfy the administrative costs of a Chapter 11, and therefore continuing in Chapter 11 is not in the best interests of his bankruptcy estate. In the event the Debtor’s circumstances change, or in the event that the Debtor asserts that it is in the best interests of the estate to be in Chapter 11, then he will notify the Office of the United States Trustee accordingly and, after conferring, take the

necessary course of action.

**WHEREFORE**, the Debtor respectfully requests entry of an order converting this case to a case under Chapter 7.

DATED: March 17, 2016

Respectfully Submitted,

/s/ Griffin S. Dunham  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served on the parties consenting to electronic service on this the 17<sup>th</sup> day of March, 2016.

/s/ Griffin S. Dunham  
Griffin S. Dunham